

IN The UNITED STATES DISTRICT COURT
For The Middle DISTRICT OF ALABAMA
Northern Division

NOV 13 2007

STEVEN KEITH. SHELTON
PLAINTIFF

CASE NO: # 2:07-CV-981-MHT
(WC)

VS.

MAGISTRATE Judge:

WALLACE CAPEK, JR.

Dillard's Dept. Store, ET. AL.
Defendants

Notice To The
MAGISTRATE Judge order OF 11-5-07
To Amend PLAINTIFF COMPLAINT

Come's NOW, The PLAINTIFF STEVEN KEITH. SHELTON
AS pro-SE, WITH The ABOVE STYLE CAUSE OF ACTION,
Hereby move's This Honorable COURT To Except
PLAINTIFF Amended COMPLAINT THAT IS NEEDED
To process THIS MATTER. The FACTUAL Allegation
IN support AS Follow. For GOOD AND JUST CAUSE.

"FACTUAL Allegation"

(1.) IT'S A FACT, OFFICER MICHAEL FARRIER WAS
WORKING SECURITY For Dillard Dept. Store,

CONTINUE

7310 EASTCHASE PARKWAY, MONTGOMERY \ AIA, THE DAY OF 4-21-07 ALSO WHERE THE ASSUALT TOOK PLACE, WHICH CONSTITUTED EXCESSIVE FORCE AND CRUEL AND UNUSUAL PUNISHMENT. THEREFORE DILLARD'S IS RESPONSIBILITY FOR HIREING A QUALIFIED SECURITY AND IT IS CLEAR THAT FAIR AND FUNDAMENTAL PRACTICES SHOULD BE EXERCISED WHEN PLACING AN INDIVIDUAL IN A POSITION THAT REQUIRES THE ASSURANCE OF THE SAFETY AND PROTECTION OF CITIZEN'S.

Therefore, Defendant's Dillard's Dept. Store is LIABLE IN THIS MATTER, ALSO IT'S clear AND to the point, BECAUSE Dillard's Dept.'s Store neglect TO HIRE SOMEONE WHO WOULD PROPERLY MONITOR AND ENFORED POLICY, AND ALSO DILLARD'S IS RESPONSABLE FOR THE CONDUCT AND UNPROFESSIONAL MANNER THAT OFFICER MICHAEL FARRIER CARRY HISSELF.

(2.) IT'S A FACT, I THE PLAINTIFF WAS ASSUALTED IN DILLARD'S DEPT. STORE PARKING LOT (ATTACHED PICTURE) AT 7310 EASTCHASE PARKWAY, MONTGOMERY \ AIA, BY OFFICER MICHAEL FARRIER WHO WORK FOR DILLARD'S DEPT. STORE AS SECURITY.

(3.) IT'S A FACT, DEFENDANT MICHEAL FARRIER ALSO WORK FOR MONTGOMERY COUNTY SHERIFF DEPT. AS A COMMUNITY CORRECTIONAL OFFICER WHICH ISSUE THE DEFENDANT THE BATON THAT ASSUALTED PLAINTIFF

STEVEN KEITH SHELTON.

There For, MONTGOMERY COUNTY Sheriff Dept. is Responsibility For Hireing A qualified OFFICER AND ISSUING WEAPON TO OFFICE'S IN A POSITION THAT Requires The ASSURANCE OF The SAFETY AND PROTECTION OF CITIZEN'S. ALSO MONTGOMERY COUNTY Sheriff Dept. NEGLECT To Hire someone who would properly ENFORCED policy IN A PROFESSIONAL MANNER.

(4.) I The PLAINTIFF ARE REQUESTING To AMEND His COMPLAINT BY CORRECTING The DATE OF The ASSAULT, WHICH WAS APRIL 21, 2007.

(5.) I The PLAINTIFF ARE REQUESTING To AMEND His COMPLAINT, BY CORRECTING His NAME WHICH is spell wrong. To STEVEN KEITH SHELTON.

Respectfully Submitted This
8th day of NOV, 2007

x Steven Keith Shelton
PLAINTIFF

CERTIFICATE OF SERVICE

I Hereby certify that a true copy of
The ABOVE AND foregoing Amend of PLAINTIFF
COMPLAINT WAS served upon the OFFICE OF
The Clerk, UNITED STATES DISTRICT COURT, P.O.
BOX 711, MONTGOMERY, ALABAMA 36101-0711.

By posting same in the UNITED STATES MAIL,
POSTAGE PREPAID AND properly addressed
ON this 8th day of NOV, 2007.

x Steven Keith Shelton

PLEASE RETURN A
COPY OF THE AMENDMENT AND
THE ATTACHMENT.

"THANK'S IN ADVANCE"

Louis E. Miles
11-8-07

**MONTGOMERY POLICE DEPARTMENT
SUPPLEMENTARY OFFENSE REPORT**

07-008562

Victim Name as on Original Report: (Last, First, Middle)		Date, Time of Offense:	Date, Time of Supplement:
Dillard's		04/21/07 1400-1430	04/21/07 1659 hrs.
Has arrest been made: Yes / No	Date of Arrest:	Offense as Reported:	
		Theft of Property 2 nd	
Has warrant/petition been signed: Yes / No	Date Warrant/ Petition Signed:	Offense after investigation:	
		Theft of Property 2 nd	

COMPLAINT:

On Saturday, April 21, 2007, B/M Michael Farrier completed an Alabama Incident Offense Report for Theft of Property 2nd Degree. Farrier was working security for Dillard's at Eastchase. Farrier stated that B/M Steven Shelton, 54 yoa, of 4018 Ardmore Dr. stole two Hart Schaffner Marx suits totaling \$1,390.00.

INITIAL INVESTIGATION:

On Saturday, April 21, 2007, at approximately 1430 hours patrol responded to 7310 Eastchase Parkway (Dillard's) in reference to a Theft of Property call. When patrol arrived they were met by the complainant B/M Michael Farrier, 54 yoa, of 4031 Malabar Road. Farrier advised the patrol unit that the defendant, B/M Steven Shelton, 54 yoa, of 4018 Ardmore Dr. had struck him several times causing Farrier to utilize his law enforcement baton to protect himself from Shelton. Patrol contacted me and advised me what occurred and advised that Shelton was transported to Baptist South Medical Center. I advised Patrol to have the complainant respond to the Detective Division to sign a warrant.

At approximately 1530 hours the complainant for Dillard's, Michael Farrier, responded to the Detective Division. This Detective completed a Witness Locator and took an audio statement from Farrier. The audio statement has been added to this case file. The beginning time of this statement was 1557 hours. Farrier stated that he observed Shelton get out of a white Cadillac and enter Dillard's. Farrier stated that he has known Shelton for many years and has arrested him in the past for stealing. Farrier stated that he informed the Dillard's Loss Prevention so that the Loss

Prevention personnel could watch him with the surveillance cameras. A Loss Prevention employee advised Farrier that Shelton had taken some Sear's products and that they had it on video. Farrier stated that shortly after he was notified by Loss Prevention he observed Shelton leave Dillard's with something stuffed in his pants. Farrier stated that he approached Shelton and advised Shelton that he knew Shelton had some of Dillard's property. Farrier stated that he told Shelton to remove the property from his person and that Shelton was under arrest for Theft of Property. Farrier stated that Shelton pulled a gray suit out of his pants. Farrier stated that as he approached Shelton to place him under arrest Shelton fled on foot. Farrier stated he began to run after Shelton. Farrier stated that while he was in foot pursuit of Shelton he noticed that the driver of the white Cadillac started to follow behind him. Farrier stated that he thought that the Cadillac was going to run him over. Farrier stated that he stopped running after Shelton and turned toward the Cadillac and that was when he pulled his duty gun from the holster and pointed it at the driver of the vehicle. Farrier stated that he approached the Cadillac and told the driver of the Cadillac to stop the vehicle. The driver stopped the vehicle and Farrier approached the driver. Farrier stated that he retrieved the vehicle keys and told the driver to stay at the vehicle. Farrier then stated after he retrieved the vehicle keys from the driver he began to pursue Shelton again. Farrier stated that he caught up to Shelton as he was approaching the end of the building. Farrier stated that when Shelton ran around the side of the building they approached a brick wall that covers power utility units. Farrier stated that when they approached the brick wall Shelton proceeded to take more items out of his pants and throw the items on the ground. Farrier stated that he stopped and picked up the items. Farrier stated that Shelton went back into Dillard's to get away from Farrier. Farrier stated that he went to his own truck and drove around to the other side of the building where Shelton would be running out of. Farrier stated that when Shelton ran back out of Dillard's Farrier approached Shelton again and advised him that he was under arrest. Farrier stated that when he advised Shelton to put his hands on the car Shelton told Farrier that Farrier was not going to touch him or Shelton would kill him. Farrier stated that he again told Shelton that he was under arrest and Farrier grabbed his shirt. Farrier stated that when he grabbed Shelton's shirt Shelton began hitting him on his right forearm with a closed fist. Farrier stated that when Shelton swung at him again, Farrier retrieved his baton to strike Shelton in the shoulder area however Farrier missed Shelton's shoulder area because Shelton had ducked. Farrier stated that because Shelton ducked he struck Shelton on the side of the head instead. Farrier stated that after he struck Shelton he was able to place Shelton in handcuffs. Farrier stated he contacted the medics and shortly after medics arrived Shelton was transported to the hospital. The ending time of this statement

WITNESS
NAME: Michael Farrier RESIDENCE
PHONE: 334-538-0394

OTHER NBR(S) PAGER CELLULAR 334-538-0394

RACE: B SEX: M WT 245 HT 6'00 DOB: AGE: 55 SSN:

RESIDENCE
ADDRESS: 4031 Malabar Rd. Montgomery
(STREET) (CITY)
Montgomery Al.
(COUNTY) (STATE)

EMPLOYER: Dillard's TELEPHONE: 334-244-6442

EMPLOYER
ADDRESS: 7310 Eastchase Pkwy. Montgomery
(STREET) (CITY)
Montgomery Al.
(COUNTY) (STATE)

POSITION HELD AND IMMEDIATE SUPERVISOR: Security

NAME: Fred Wood TELEPHONE: 334-832-7733

ADDRESS: 301 Adams Ave. Montgomery, Al.

RELATIONSHIP TO WITNESS: Friend

AGENCY: MONTGOMERY POLICE DEPT. _____
(WITNESS)
DIVISION: DETECTIVE/PROPERTY _____
OFFICER: Det. C.A. Humphrey #1601 04/21/07
(DATE)

19



INMATE MAIL
((Legal Mail))

STELLA
#11038 cell 2C
MONTGOMERY COUNTY JAIL
P.O. Box 4599
Montgomery VA 22103-4599

% Office of the Clerk
UNITED STATES DISTRICT COURT
P.O. Box 711
Montgomery ALABAMA
36101-0711

POSTAGE DUE .17^d

